

Part 1H. Special Education Scholarships for Children with Disabilities.

§ 115C-112.5. Definitions.

The following definitions apply in this Part:

- (1) Authority. – The North Carolina State Education Assistance Authority.
- (1a) Child with a disability. – As defined in G.S. 115C-106.3(1).
- (1b) Disability. – As defined in G.S. 115C-106.3(2).
- (1c) Educational technology. – As defined by the Authority, an item, piece of equipment, material, product, or system which may be purchased commercially off the shelf, modified, or customized and that is used primarily for educational purposes for a child with a disability.
- (2) Eligible student. – A child under the age of 22 who resides in North Carolina and meets all of the following criteria:
 - a. Is a child with a disability.
 - b. Is eligible to attend a North Carolina public school pursuant to G.S. 115C-366.
 - c. Has not been placed in a nonpublic school or facility by a public agency at public expense.
 - d. Has not been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of academic credit.
 - e. Has not received a high school diploma.
 - f. Meets at least one of the following requirements:
 - 1. Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the previous semester. The Authority shall not count actual days of attendance to determine whether a child was enrolled in a qualifying school for the previous semester for the purposes of eligibility under this sub-sub-subdivision.
 - 2. Received special education or related services through the North Carolina public schools as a preschool child with a disability during the previous semester.
 - 3. Was approved for a scholarship for the previous semester.
 - 4. Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility under this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a disability prior to the end of the year of initial enrollment, (i) no reimbursement shall be awarded and (ii) the child shall not qualify the following year as an eligible student under sub-sub-subdivision 3. of this section.
 - 5. Is a child whose parent or legal guardian is on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. § 12401, et seq.
 - 6. Is a child who has been domiciled in the State for at least six months.
 - 7. Is a child in foster care as defined in G.S. 131D-10.2(9).

8. Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship application.
- (3) Nonpublic school. – A school that meets the requirements of Part 1, 2, or 3 of Article 39 of this Chapter as identified by the Division of Nonpublic Education, Department of Administration.
 - (3a) Related services. – As defined in G.S. 115C-106.3(18).
 - (4) Scholarships. – Funds awarded by the Authority to eligible students to be used to receive special education on a daily basis while attending either a nonpublic school or a North Carolina public school for which payment of tuition is required.
 - (5) Special education. – Specially designed instruction to meet the unique needs of a child with a disability. The term includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings. (2013-364, s. 4; 2014-49, s. 2; 2016-94, s. 11A.2(a); 2018-5, ss. 10A.1(a), (b).)